



REZONING

July 15, 2004

FILE: RZ 04-07-04

R-1 TO C-2

Property Information

Tax ID	Tax Map 071A Parcel 030
Location/address	Intersection of Silver Lake Drive and Washington Road
Parcel Size	1.21 acres
Current Zoning	R-1 (single-family residential)
Request	C-2 (general commercial)
Proposed Use	Donation to County Green Space Plan
Commission District	District 1 (Brown)
Recommendation	

Summary and Recommendation

David Alalof seeks rezoning of 1.21 acres located at the intersection of Washington Road and Silver Lake Drive from R-1 to C-2. The petitioner's stated intent is to donate the property to the county's Greenspace Program, and the objective is to achieve the highest value of the property for donation purposes. The highest value likely would be if the property were usable for commercial purposes. Adjacent properties are zoned R-1 in the Silver Lake subdivision, and C-2 along Washington Road. The future land use plan designates this property for commercial use.

As part of donation for open space, the site should be appraised for its highest and best use. With the future land use policy showing commercial use, the site should receive a higher appraisal amount regardless of the current zoning. Two appraisers and a member of the county attorney's staff have stated that the higher value can be applied based upon the property's key highway location, the growth management plan designation, and the surrounding commercial zoning pattern without having to actually carry through with rezoning the property to C-2.

Due to several inquiries of this request, staff researched the history on the zoning of this tract. The property (under different ownership) requested a rezoning in 1998 from R-1 to C-2 which was amended to a request for P-1. Both requests were denied on the basis that this property is under the jurisdiction of Silver Lake, Incorporated protective covenants that restrict use of this property to residential. These covenants were revised and adopted in 1995 and continue through 2020.

Even though the property is designated for commercial use and other properties in the area are zoned C-2, there has been opposition to commercial zoning in the past and likely there will be opposition in the future. There are issues with subdivision covenants and restrictions. If the object is to achieve a high property value for donation purposes, this staff has advised the applicant to confirm if the higher property values can be established without having to proceed with the rezoning.



REZONING

July 15, 2004

FILE: RZ 04-07-04

R-1 TO C-2

The petitioner has requested a deferral for 30 days to complete this research. Since the posting of the property and required public notices have been published, this matter must remain on the agenda. At the July 15 meeting the Planning Commission may table the matter at the petitioner's request for 30 days.

Interdepartmental Review

Water and Sewer: A 6-inch water line is located on Silverlake Drive. The site does not have access to sewer. The project will not affect the existing water and sewer infrastructure in the area.

Construction and Maintenance: There are long range plans to widen Washington Road between North Belair Road and Cumberland Drive. Development plans should be submitted to DOT for review to avoid conflict with future widening.

Sheriff: Accidents have occurred at the site within the last 12 months.

Health Department: No sewer service is available to the site.

Engineering: Site is in the Betty's Branch Drainage Basin. Because the site is planned for donation to the County and no development is planned to occur, further detention requirements were not evaluated.

Planning: The property should provide a larger structural buffer (20 feet instead of 10 feet) in order to prevent any negative effects of commercial development between this site and the adjoining residential lots.

Growth Management Plan

The Columbia County Growth Management Plan designates this property for commercial use. The adjacent properties are recommended for either commercial or residential uses. The plan also states a primary goal of preserving existing residential areas from commercial encroachment, including a review of the requirements for buffers between commercial and residential uses.

Zoning and Development Regulations

Surrounding properties are zoned R-1 and C-2. The request is consistent with the prevailing zoning pattern. However, according to a letter from the county attorney, this parcel is under protective covenants of the Silver Lake subdivision. Adopted in 1970, these covenants were updated in 1995 and continue through 2020. The covenants state that all lots are to be used for residential purposes. While this may not preclude the rezoning of property, it would limit the ability to use the site for commercial purposes.



REZONING

July 15, 2004

FILE: RZ 04-07-04

R-1 TO C-2

Criteria for Evaluation of Rezoning Request

Criteria Point	Comment
Whether the zoning proposal will permit a use that is suitable in view of the zoning and development of adjacent and nearby property.	The request is consistent with the prevailing zoning and land use pattern; however, there are uses within the district that may not be suitable given its location at the entrance to a single-family subdivision.
Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.	The request would adversely affect the nearby neighborhood.
Whether the zoning proposal is compatible with the purpose and intent of the GMP.	The request is consistent with future land use policy of commercial use.
Whether there are substantial reasons why the property cannot or should not be used as currently zoned.	The site could be developed as a single-family residence.
Whether the proposal could cause excessive or burdensome use of public facilities or services.	The lack of public sewer limits the development potential of this site.
Proposal is supported by new or changing conditions not anticipated by the GMP or reflected in existing zoning on the property or surrounding properties.	The proposal is not supported by new information made aware after the adoption of the GMP.
Proposal reflects a reasonable balance between the promotion of Health, Safety, and Welfare against the right to unrestricted use of property.	The request does not meet this balance test.